

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE: AIR CRASH AT BELLE HARBOR,
NEW YORK ON NOVEMBER 12, 2001
-----X

YANET DISHMEY ROSARIO De GEORGE,
individually and on behalf of others,

Plaintiff,

v.

American Airlines, Inc., a subsidiary of
AMR Corporation,

Defendant.
-----X

DAWIND GEORGE, individually, DAWIND
GEORGE and MARIA DIAZ as Co-Administrators
of the Estate of MILTON GEORGE, deceased, and
MARIA DIAZ, as mother and guardian of the
property of KELVIN GEORGE, a minor,

Plaintiffs,

v.

American Airlines, Inc. and Airbus Industrie, G.I.E.,

Defendants.
-----X

02 MD 1448 (RWS)
MDL No. 1448 (RWS)

02-CV-4765 (RWS)

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3-11-08**

03-CV-2237 (RWS)

This documents also relates
to consolidated actions:
03-CV-5205 (RWS)
03-CV-4562 (RWS)
04-CV-2830 (RWS)
Decedent Milton George

**[PROPOSED] ORDER DIRECTING ENTRY OF
JUDGMENT ON COURT'S ORDER OF MAY 29, 2007**

Ⓣ

Milton George was killed in the crash of American Airlines Flight 587 on November 12, 2001. On April 7, 2003, Letters of Temporary Administration were issued to Dawind George, the eldest son of the decedent, and Maria Diaz, decedent's live-in partner, authorizing them to prosecute an action for the wrongful death of Milton George. Thereafter, the Co-Administrators filed suit in this Court for the wrongful death of Milton George on behalf of all of his lawful

wrongful death distributees and heirs. That lawsuit was assigned Civil Action No. 03-CV-2237 (RWS).

Four other lawsuits for the death of Milton George were filed in other districts and transferred to this Court as part of MDL No. 1448 (RWS), and per the Order of this Court dated January 12, 2004, were consolidated with Civil Action No. 03-CV-2237. One of these actions was Civil Action No. 02-CV-4765, brought on behalf of Yanet Dishmeyer, as alleged spouse. The other actions were Civil Action No. 04-CV-2830 (RWS), brought on behalf of Denise Valderrama, as alleged surviving spouse; Civil Action No. 03-CV- 4562 (RWS), brought on behalf of Ana Rollins, as surviving mother; and Civil Action No. 03-CV-5205 (RWS), brought on behalf of Smailyn George, as surviving son. The only duly appointed estate representatives were Co-Administrators Dawind George and Maria Diaz.

In January 2006, after a lengthy period of factual investigation and discovery, the Co-Administrators negotiated a confidential settlement offer for the wrongful death of Milton George which they agreed to accept, subject to this Court's entry of a compromise order approving the settlement and attorneys' fees and costs and directing distribution of the net proceeds to the decedent's lawful wrongful death distributees, according to their respective losses. The Co-Administrators took the position that Yanet Dishmeyer was not one of Milton George's law wrongful death distributees because she had married the decedent while he was still married to Denise Valderrama.

On June 20, 2006, Yanet Dishmeyer filed a motion on order to show cause for a declaration that Denise Valderrama was not the surviving wife of decedent Milton George and that instead, she, Yanet Dishmeyer, was the surviving spouse. The Co-Administrators opposed Yanet Dishmeyer's motion.

On May 29, 2007, this Court denied Yanet Dishmeyer's motion and ruled that Denise Valderrama was Milton George's legal surviving wife and thus was entitled to share in the settlement for his wrongful death.

Yanet Dishmeyer appealed this Court's May 29, 2007 Order, but her appeal was dismissed for lack of appellate jurisdiction because she had not obtained a certification from this Court pursuant to Rule 54(b) of the Federal Rules of Civil Procedure. Thereafter, Yanet Dishmeyer filed an Emergency Motion for Proper Rule 54(b) Certification.

WHEREFORE, on further consideration of this Court's Order of May 29, 2007, which completely disposed of the separate claim of Yanet Dishmeyer arising out of the death of Milton George in the crash of American Airlines Flight 587, this Court is of the opinion that this Order should result in a separate appealable judgment under Rule 54(b) of the Federal Rules of Civil Procedure. Furthermore, this Court is also of the opinion that there is no just reason for delay in the entry of a separate final judgment with respect to the claims of Yanet Dishmeyer because 1) the Co-Administrators have settled the claims of all legally recognized wrongful death beneficiaries

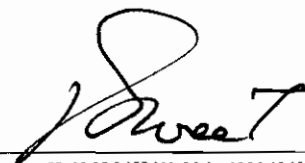
with defendants American Airlines, Inc. and Airbus Industrie, G.I.E., and 2) the dispute regarding the question of whether Denise Valderrama or Yanet Dishmeyer is the legal surviving wife of decedent Milton George is the only issue that remains to be resolved prior to the distribution of the settlement proceeds. Therefore,

IT IS ORDERED that:

1. This Court certifies, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, that there is no just reason for delay in the entry of a separate final judgment with respect to the matters disposed of in this Court's Order of May 29, 2007 for the reasons set forth above;
2. All claims of Yanet Dishmeyer arising out of the death of Milton George in the crash of American Airlines flight 587 and encompassed by Civil Action No. 02-CV-4765 (RWS) are fully and finally dismissed in their entirety;
3. Yanet Dishmeyer take nothing from either defendant in this action;
4. This final judgment pertains to the claims of Yanet Dishmeyer only, and does not pertain to the claims of the remaining plaintiffs and beneficiaries in this consolidated action who filed Civil Action Nos. 03-CV-2237 (RWS), 04-CV-2830 (RWS), 03-CV-4562 (RWS) and 03-CV-5205 (RWS); and
5. The Clerk of the Court will enter a separate final judgment in Civil Action No. 02-CV-4765 based on this Order and the Court's Order of May 29, 2007.

New York, NY
~~February~~ 2008

March 6, 2008



ROBERT W. SWEET
U.S.D.J.